

PATENT

A34368 PCT USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Fuhr et al.  
Serial No. : 09/868,200  
Filed : June 14, 2001  
For : PROCESS AND DEVICE FOR CELL TRACE  
BASED CELL TESTING AND CELL CULTIVATION

RESPONSE TO NOTICE TO FILE MISSING  
REQUIREMENTS UNDER U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

EXPRESS MAIL LABEL NO. EF321683232US

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Requirements of Application Under U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated July 24, 2001, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 U.S.C. 371:

- ( x ) Name of inventor and application serial number;
- ( x ) Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ( x ) Name of inventor, title of invention and filing date;
- ( ) Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oat
- ( x ) Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

RESPONSE - NOTICE OF  
MISSING REQUIREMENTS

PATENT

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Also enclosed are:

1. (x) A check in the amount of \$ 130  
(x) \$130 - Other than Small Entity  
( ) \$ 65 - Small Entity  
representing payment of the surcharge  
due for late filing of the Declaration  
pursuant to 37 C.F.R. 1.492(e);
  2. (x) An extension of time to file the Response  
to Missing Parts is respectfully requested.  
The required fee, calculated pursuant to  
1.136(a), is enclosed in the amount of \$ 110
  3. ( ) Other \_\_\_\_\_ \$ \_\_\_\_\_
- TOTAL FEE ENCLOSED \$ 240

**Enclosed: Form PCT/DO/EO/905**

10/01/2001 MKAYPAGH 00000108 09868200

01 FC:154

130.00 0P

The Commissioner is hereby authorized to charge payment of any  
additional fees associated with this communication to Deposit Account No. 02-4377. A  
duplicate copy of this sheet is enclosed.

10/01/2001 MKAYPAGH 00000108 09868200

02 FC:115

110.00 0P

Respectfully submitted,



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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868200	FUHR	A34368 PCT U
INTERNATIONAL APPLICATION NO.		
PCT/EP99/09781		
I.A. FILING DATE	PRIORITY DATE	
10 DEC 99	14 DEC 98	

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DATE MAILED 24 JUL 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application.
  - ☐ Oath or Declaration of inventors(s).
  - ☐ Copy of Article 19 amendments.
  - ☒ Priority Document.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☒ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☐ Indication of Small Entity Status.
  - ☒ Translation of the international application into English.
  - ☐ Translation of Article 19 amendments into English.
  - ☒ Other: IB 331, RO 101, ISA/210-REFERENCES, IPEA 401, 408, PREL. AMENDMENT
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
  - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Docketed

**A copy of this notice MUST be returned with this response.**

- Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

CHRISTINE WASHINGTON

Telephone: 703-305-3752

FORM PCT/DO/EO/905 (March 2001)

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1/24/01

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